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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MOODY W. TANKSLEY,

No. CIV S-08-2881-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 ARANDA, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's second amended complaint (Doc.
19 20). The court is required to screen complaints brought by prisoners seeking relief against a
20 governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a).

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1 Plaintiff names the following, who are all prison staff at Salinas Valley State
 2 Prison, as defendants: Aranda; Wills; Beam; Sullivan; Biaggini; Munzi; and Jones.¹ Plaintiff
 3 claims:

4 Officers Defendants took revenge on Plaintiff for lawsuits. On
 5 November 11, 2008, at Salinas Valley State Prison in the Plaintiff prison
 6 housing location on A.S.U. #2 ad. segregation unit 02-C-pod unit housing
 7 cell #129 low at time 0705 hours AM. This writer was pepper sprayed by
 8 CDC Me. S. Aranda by a verbal command to spray me by CDC Sergeant
 9 Mr. P. Sullivan and also other authority Defendants named CDC Captain
 10 Mr. W. Munzi, Lt. Mr. G. Biaggini, Housing Lieutenant, Mr. E. B. Jones,
 11 A. Warden, a CDC Officer Mr. J. Wills, Mr. E. Beam, another CDC
 Lieutenant Mr. Mojica all named Defendants had a lots to do with officer
 Mr. S. Aranda pepper spraying the Plaintiff for reasons the Plaintiff filed
 civil lawsuits on Salinas State Prison. In the past present Plaintiff received
 a write-up for Aranda pepper spraying me. They say in write-up the
 reason was for obstructing a peace officer [undecipherable] my being
 pepper spraying on 11-11-2008. The write-up is lies. The R.N. Ms. M.
 Sangooda let me suffer while pepper sprayed in prison cell.

12 Sangooda is not named as a defendant. Plaintiff seeks injunctive relief and monetary damages.

13 The amended complaint appears to state a cognizable claim for relief pursuant to
 14 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations are proven, plaintiff has a
 15 reasonable opportunity to prevail on the merits of this action. The court, therefore, finds that
 16 service is appropriate and will direct service by the U.S. Marshal without pre-payment of costs.
 17 Plaintiff is informed, however, that this action cannot proceed further until plaintiff complies
 18 with this order. Plaintiff is warned that failure to comply with this order may result in dismissal
 19 of the action. See Local Rule 11-110.

20 Accordingly, IT IS HEREBY ORDERED that:

21 1. The Clerk of the court is directed to update the docket to reflect Aranda,
 22 Wills, Beam, Sullivan, Biaggini, Munzi and Jones, as defendants in this action and to terminate
 23 all other defendants currently listed on the docket;

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25 ¹ The Clerk of the Court will be directed to update the docket to reflect that these
 26 are the only individuals named in the current operative pleading as defendants.

1 2. The court authorizes service on the following defendant(s):

2 ARANDA;

3 WILLS;

4 BEAM;

5 SULLIVAN;

6 BIAGGINI;

7 MUNZI; and

8 JONES;

9 3. The Clerk of the Court shall send plaintiff one USM-285 form for each
10 defendant identified above, one summons, an instruction sheet, and a copy of the second
11 amended complaint; and

12 4. Within 30 days of the date of service of this order, plaintiff shall complete
13 the attached Notice of Submission of Documents and submit the following documents to the
14 court:

15 a. The completed Notice of Submission of Documents;

16 b. One completed summons;

17 c. Seven completed USM-285 form(s); and

18 d. Eight copies of the endorsed second amended complaint.

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20 DATED: June 8, 2009

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22 **CRAIG M. KELLISON**
23 UNITED STATES MAGISTRATE JUDGE
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9 Plaintiff,

10 vs.

11 ARANDA, et al.,

12 Defendants.
13

14 _____/
15 NOTICE OF SUBMISSION OF DOCUMENTS
16

17 Plaintiff hereby submits the following documents in compliance with the court's
18 order:

19 1 completed summons form;
20 _____ completed USM-285 form(s); and
21 _____ copies of the second amended complaint.
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23 DATED: _____

24 Plaintiff
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